

U.S. Patent Application Serial No. 10/027,725
Amendment Under 37 C.F.R. 1.116 filed July 21, 2006
Response to Official Action dated April 21, 2006

REMARKS

The Official Action dated April 21, 2006 has been carefully considered. It is believed that the present Amendment places the application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, claims 34 and 44 are amended to more specifically define the vaccines as against grass pollen allergy, in accordance with the teachings throughout the present specification. Claims 39 and 46 are amended to correct typographical errors. It is believed that these changes do not involve any introduction of new matter, and do not raise any new issues subsequent to final rejection, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, claims 34 and 44 were rejected under 35 U.S.C. §112, first paragraph, on the basis that the specification, while enabling for a Timothy grass Phl p2 pollen allergen specific human IgE Fab for detection assay and for standardization of allergen extract using Timothy grass Phl p2 pollen specific antibody comprising a heavy chain consisting of the amino acid sequences shown in SEQ ID NO: 7, SEQ ID NO: 8 or SEQ ID NO: 9, and a light chain consisting of the amino acid sequence as shown in SEQ ID NO: 10, SEQ ID NO: 11 or SEQ ID NO: 12, respectively, does not reasonably provide enablement for any vaccine against any type I allergy comprising any group 2 allergen specific human IgE Fab having a heavy chain and a light chain as indicated, or any vaccine against any type I allergen as set forth in claim 44.

This rejection is traversed and reconsideration is respectfully requested. Initially, Applicants note that claims 34 and 44 are now directed to vaccines against grass pollen allergy and comprise the IgE Fab according to claim 45 and claim 46, respectively, or the corresponding complete antibody. As these claims recite vaccines against grass pollen allergy, Applicants submit that they are fully enabled by the present specification. First, the Examiner is directed to the specification at page 1, wherein Phl p2 is defined as grass pollen

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specific IgE-Fabs. Additionally, the Examiner's attention is directed to the studies described at pages 5-16 which, as described at page 8 and page 16, involved grass pollen allergic patients' IgE antibodies and indicate that the Phl p2-specific IgE Fabs (grass pollen specific IgE-Fabs) have therapeutical potential, for example building of the stable defense line against intruding allergens and/or inducing a protective mucosal immunity. Accordingly, the vaccines against grass pollen allergy of claims 34 and 44 are enabled by the present specification.

It is therefore submitted that claims 34 and 44 are fully enabled by the present specification, in accordance with the requirements of 35 U.S.C. §112, first paragraph, whereby the rejection has been overcome. Reconsideration is respectfully requested.

Claims 25 and 39 were objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claims 45 and 46, respectively, and the Examiner suggested that claims 25 and 39 therefore be deleted. Applicants submit however that claims 25 and 39 are not substantial duplicates of claims 45 and 46, and that maintaining all of these claims in the present application is warranted. Accordingly, reconsideration is respectfully requested.

More particularly, claim 25 recites a grass pollen group 2 allergen specific human IgE Fab having a heavy sequence consisting of the amino acid sequence as shown in SEQ ID NO: 7, 8 or 9, and a light chain consisting of the amino acid sequence as shown in SEQ ID NO: 10, 11 or 12. On the other hand, claim 45 recites a grass pollen group 2 allergen specific human IgE Fab having a human chain consisting of the amino acid sequence as shown in SEQ ID NO: 7, 8 or 9, and a light chain consisting of the amino acid sequence as shown in SEQ ID NO: 10, 11 or 12, *respectively*. Accordingly, claim 45 requires a respective combination of SEQ ID NO: 7, 8 or 9 and SEQ ID NO: 10, 11 or 12, while claim 25 does not require such correspondence and allows for the combination of any of SEQ ID NO: 7, 8 or 9 with any of SEQ ID NO: 10, 11 or 12.

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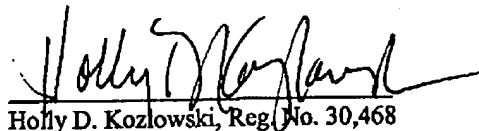
Similarly, claim 39 recites a grass pollen group 2 allergen specific human IgE Fab having a heavy chain encoded by the nucleic acid sequence as shown in SEQ ID NO: 1, 2 or 3 and a light chain encoded by the nucleic acid sequence as shown in SEQ ID NO: 4, 5 or 6. On the other hand, claim 46 recites a grass pollen group 2 allergen specific human IgE Fab having a heavy chain encoded by the nucleic acid sequence as shown in SEQ ID NO: 1, 2 or 3, and a light chain encoded by the nucleic acid sequence as shown in SEQ ID NO: 4, 5 or 6, *respectively*. Accordingly, claim 46 requires a respective combination of SEQ ID NO: 1, 2 or 3 with SEQ ID NO: 4, 5 or 6, while claim 39 does not require the respective combination and encompasses the combination of any of SEQ ID NO: 1, 2 or 3 with SEQ ID NO: 4, 5 or 6.

Thus, claims 25 and 39 are of differing scope as compared with claims 45 and 46, respectively, whereby all of these claims should be maintained in the present application.

The indication of the allowance of claims 26-33, 35-38, 40-43, 45 and 46 is acknowledged and appreciated. It is believed that claims 25, 34, 39 and 44 are now also in condition for allowance.

It is believed that the above represents a complete response to the rejection under 35 U.S.C. §112, first paragraph, and the objection set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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